IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4563 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 18, 2007.

Heard Shri Shingane, learned counsel for the petitioner – employee. He argues that the petitioner was not given adequate opportunity to defend himself during the departmental enquiry and he further contends that the punishment is disproportionate.

The Labour Court has passed order on pre point on 18.11.2000 holding departmental enquiry to be fair and valid. The said order was not challenged by the petitioner – employee. The Labour Court ultimately delivered judgment on 6.10.2001 and aggrieved by part of that judgment, the petitioner – employee filed Revision No.50 of 2004 before the Industrial Court. Again while filing this revision, the petitioner did not challenge the finding of Labour Court holding departmental enquiry to be fair and valid. The

Revisional Court has found that there is sufficient material available on record to show that misconduct is proved against the petitioner in departmental enquiry. The Labour Court has found that the petitioner has filed applications at Exhs. 52, 56, 57 and 58 about the incident dated 5.7.1992 and therein he gave admissions about the misconduct and he also stated that he was under influence of liquor and in this back ground, it was not open to the petitioner to contend that he was not given adequate opportunity.

I find that the Court below has rightly found the misconduct to be proved. Even if it is presumed that the petitioner was not given any opportunity, his admissions are sufficient to uphold the punishment. I do not find that punishment is in any way shockingly disproportionate. No case is, therefore, made out for interference in writ jurisdiction. Writ Petition is dismissed. No order as to costs.

JUDGE

*GS.